



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
FREEDOM OF INFORMATION ACT BRANCH  
Washington, D.C. 20570

Via email

December 16, 2022

Re: FOIA Request NLRB-2023-000474

Dear Maria M. Fernandez (Maria Fernandez Law Office):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on December 13, 2022, in which you seek "Hospital San Cristobal/Quality Health Services and Unidad Laboral de Enfermeras (os) y Empleados de la Salud certifications: 24-CA-7308; 24-CA-8035; 24-CA-7315; 24-CA-8453 and 24-CA-8124." You assumed fees for the processing of your request in the amount of \$37.00.

We acknowledged your request on December 13, 2022.

Please note that a "CA" designation in a case refers to a case where an unfair labor practice charge has been filed, as opposed to "certifications" you seek which would have an RC case designation indicating that a petition for representation has been filed. As such, we have interpreted your request to be seeking certification records in Case Nos. 24-**RC**-7308; 24-**RC**-8035; 24-**RC**-7315; 24-**RC**-8453 and 24-**RC**-8124.

A search was conducted in the Agency's electronic casehandling system, NxGen, which generally maintains NLRB case records from 2011 to present. This search did not locate any responsive records.

Pursuant to the Agency's record retention and disposition policy, records are retained for a six-year period, which commences at the close of the calendar year during which the case is closed. The records are then destroyed, unless they are selected for permanent retention based on their legal significance. Given the age of the requested cases, a further search was made of the list of permanently retained cases maintained by the Agency's Case Records Unit for cases that closed between 1982 and 2010, and it was confirmed that none of the requested cases were selected for permanent retention.

Notwithstanding the record retention policy, a final search inquiry was directed to the Subregion 24 Puerto Rico office to conduct a manual search for potentially responsive certification records that might still be maintained by that office. Staff

in Subregion 24 searched their paper certification records and located all five requested Certifications of Representative, which are attached. No information has been withheld. Your request is, therefore, granted in full.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests “from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you “will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought.” 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Thirty minutes of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$18.50.

Payment Instructions: We are no longer accepting checks or money orders as payment. To submit payment for your FOIA request, please use [www.pay.gov](http://www.pay.gov). From the [www.pay.gov](http://www.pay.gov) home page, scroll down to the bottom left corner to select “Pay a FOIA Request.” Click “See all options” and go to “Filter By Agency” to check the box for the National Labor Relations Board. Continue following instructions on the website. Please remember to include the Invoice Number, which is the NLRB FOIA Case No., and the amount you intend to pay. Further, please be advised that all FOIA payments must be paid in full before any future FOIA requests are processed.

You may contact Jodilyn Breirather, the FOIA Specialist who processed your request, at (414) 930-7208 or by email at [Jodilyn.Breirather@nlrb.gov](mailto:Jodilyn.Breirather@nlrb.gov), as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami  
FOIA Public Liaison  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: [FOIAPublicLiaison@nlrb.gov](mailto:FOIAPublicLiaison@nlrb.gov)  
Telephone: (202) 273-0902  
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: (202) 741-5770  
Toll free: (877) 684-6448  
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:  
<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt  
Chief FOIA Officer  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: [DLCFOIAAppeal@nlrb.gov](mailto:DLCFOIAAppeal@nlrb.gov)

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

*/s/ Synta E. Keeling*

Synta E. Keeling  
FOIA Officer

Attachment: (five pages)